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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92063349
Party	Defendant GlueBoss Adhesive Company LLC
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Date	05/11/2016
Attachments	4-Registrants Answer to Cancellation Petition.pdf(20265 bytes )

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

Accumetric, LLC,	)	
	)	Cancellation No. 92063349
Petitioner,	)	
	)	Trademark Registration No. 4,244,791
v.	)	
	)	
GlueBoss Adhesive Company, LLC	)	
	)	
Registrant.	)	

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**REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION**

Registrant, GlueBoss Adhesive Company, LLC, by and through its attorneys, hereby answers the allegations set forth in the Petition for Cancellation as follows:

1. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 1 and therefore denies the same.
2. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 2 and therefore denies the same.
3. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 3 and therefore denies the same.
4. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 4 and therefore denies the same.
5. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 5 and therefore denies the same.
6. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 6 and therefore denies the same.
7. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 7 and therefore denies the same.

8. Registrant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 8 and therefore denies the same.

9. Registrant objects to Petitioner's characterization of "the GLUEBOSS Registered Mark" to the extent that it explicitly or implicitly characterizes Registrant's mark other than as Registered in Reg No. 4,244,791, and to the extent that Petitioner's characterization is inaccurate it is denied. Notwithstanding this objection and without waiver thereof, Registrant admits that Registrant applied for the registered mark of Registration No. 4,244,791 for use on acrylic based sealants and adhesives under Section 1(a) of the Trademark Act on January 25, 2012. Registrant is without knowledge or information sufficient to form a belief as to the remaining allegations of this paragraph and therefore denies the same.

10. Registrant admits that Registrant's Registration No. 4,244,791 and Registered Mark of Reg. No. 4,244,791 was registered on November 20, 2012 for use in connection with acrylic based sealants and adhesives in International Class 17. Applicant is without knowledge or information sufficient to form a belief as to the remaining allegations of this paragraph and therefore denies the same.

11. Registrant admits that Registrant's Registered Mark of Reg. No. 4,244,791 claims a first use date of January 19, 2012. Registrant is without knowledge or information sufficient to form a belief as to the remaining allegations of this paragraph and therefore denies the same.

12. Admitted.

13. Denied.

14. Denied.

15. Registrant is without knowledge or information sufficient to form a belief as to the allegations of the first sentence of paragraph 15 and therefore denies the same. The remaining allegations of paragraph 15 are denied.

16. Denied.
17. Denied.
18. Denied.

#### FIRST AFFIRMATIVE DEFENSE

19. The Petition for Cancellation fails to state a claim upon which relief can be granted.

#### SECOND AFFIRMATIVE DEFENSE

20. There is no likelihood of confusion, mistake or deception between Registrant's Registered Mark 4,244,791 and any mark claimed by Petitioner. Registrant's mark is a member of a family of marks that further eliminates any likelihood of confusion, mistake or deception between Registrant's Registered Mark 4,244,791 and any mark claimed by Petitioner.

#### THIRD AFFIRMATIVE DEFENSE

21. Petitioner's alleged mark does not point uniquely and unmistakably to the identity or persona of Petitioner. Petitioner fails to even allege that Petitioner's alleged mark points uniquely and unmistakably to the identity or persona of Petitioner. As alleged by Petitioner, the alleged mark of Petitioner is a product mark and is not the identity or persona of Petitioner itself. Petitioner neither alleges nor has basis to argue for cancellation of Registrant's Registered Mark under Section 2(a) of the Trademark Act due to a connection as provided under that Section of the Trademark Act.

#### FOURTH AFFIRMATIVE DEFENSE

22. The alleged mark or marks of Petitioner is not famous and has not achieved the status of a famous mark as provided under the Trademark Act. Petitioner does not have famous trademark rights as required under Section 43(c) of the Trademark Act.

#### FIFTH AFFIRMATIVE DEFENSE

23. Registrants' Registered mark of Reg. No. 4,244,791 does not dilute any rights of Petitioner, does not dilute any famous trademark rights of Petitioner and Registrant and its activities do not dilute any rights of Petitioner under Section 43(c) of the Trademark Act.

#### SIXTH AFFIRMATIVE DEFENSE

24. Registrant is precluded from cancellation of Registrant's Mark under the Doctrines of Laches, Estoppel, Acquiescence and Waiver.

WHEREFORE, Registrant, GlueBoss Adhesives Company, LLC, respectfully requests judgment dismissing the Petitioner's Petition for Cancellation of Registration No. 4,244,791 and that the Petition be denied in all respects.

Respectfully submitted,

GlueBoss Adhesive Company, LLC

Date: May 11, 2016

By: /Terence J. Linn/  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on the 11<sup>th</sup> day of May, 2016, upon the following via First Class Mail:

Samantha M. Quimby  
Frost Brown Todd LLC  
400 W Narjet Street, 32<sup>nd</sup> Floor  
Louisville, KY 40202

/s/ Terence J. Linn  
May 11, 2016